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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:
TAKASHI SHIMIZU, ET AL.	: EXAMINER: DEREK D. KNIGHT
SERIAL NO: 10/500,852	:
FILED: MAY 31, 2005	: GROUP ART UNIT: 3681
FOR: PLANETARY GEARSET	:

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated May 29, 2007, Applicants provisionally elect with traverse the species of Group A, identified in the outstanding Official Action as corresponding to Figures 1-3 and 33-34, for further examination on the merits. Applicants identify Claims 22-30 as readable on the elected species. Claim 22 is generic to non-elected claims 39-40 and 42-50. Therefore, if Claim 22 is allowed, then Claims 39-40 and 42-50 should be rejoined and examined in this case. Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of

sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 22-56 be conducted.

Respectfully submitted,

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